

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

ROY BROOKS, JR.,

Plaintiff,

v.

**COUNTRYWIDE HOME LOANS,
INC., et al.,**

Defendants.

**CIVIL ACTION NO.
2:06-cv-356-MHT-WC**

**JOINT MOTION TO EXTEND DISCOVERY DEADLINES AND
CONTINUE TRIAL SETTING BY SIXTY DAYS**

COME NOW, Defendant Countrywide Home Loans, Inc., and plaintiff Roy Brooks, the parties to the above-styled case, and jointly move the Court to continue the trial setting and to extend all remaining discovery and pretrial deadlines by sixty (60) days. As grounds for this motion, the parties jointly and respectfully submit that additional time is needed to complete discovery and prepare the case for trial, and that allowing additional time to complete discovery is expected to substantially increase the likelihood that the parties can reach an amicable settlement of the case without the need for further discovery and litigation. In further support of this motion, the parties would show unto the Court the following:

1. This matter is currently set for a non-jury trial on July 23, 2007. (Uniform Scheduling Order of June 12, 2006 (hereinafter, "Scheduling Order").) The case is set for a pretrial hearing on June 15, 2007, with a deadline for the completion of discovery of February 9, 2007. This is the first trial setting in this case.

2. For the grounds set forth below, the parties respectfully request that the Court continue the trial setting and extend all remaining discovery and pretrial deadlines by sixty (60) days. The parties submit that the requested continuance is necessary and reasonable, and will further the interests of justice and judicial economy, for the following reasons:

a. All parties to this action consent to and join in this motion to continue. No party will be prejudiced by the continuance or extension of discovery deadlines.

b. The parties have worked to complete discovery within the time permitted by the Court's Scheduling Order; however, the parties respectfully submit that additional time is needed to complete discovery and prepare this matter for trial.

c. The parties have exchanged paper discovery, and the plaintiff has been deposed. Following the plaintiffs' deposition, Countrywide served additional interrogatories and requests for production seeking, primarily,

documents and information regarding the plaintiffs' damages claims and various potential third-party witnesses identified by the plaintiff during deposition who are alleged to have relevant or discoverable information regarding the plaintiffs' claims and alleged injuries. Plaintiff have not yet responded to Countrywide's supplemental discovery (responses were due in early January 2007). Counsel for the parties have been conferring in an effort to resolve these outstanding discovery issues and to schedule needed third-party discovery and depositions. The Parties respectfully submit that they will not be able to complete the needed discovery, including necessary non-party depositions, in advance of the February 9, 2007, discovery deadline.

d. In addition, the parties are having difficulty determining certain information regarding the status and condition of the parcels of real property at issue in the lawsuit and regarding insurance claims that were made with respect to the properties following Hurricane Ivan in 2004. The properties have been condemned and the structures thereon demolished by the City of Troy. Information regarding the properties and the insurance claims will be important to the parties' attempts to resolve this case through settlement (as required by the Scheduling Order) and to the preparation of the case for dispositive motions and trial.

3. In order to adequately complete discovery and prepare the case for trial, the parties ask that the February 9, 2007, discovery deadline, as well as the trial setting and all remaining pretrial deadlines, be extended by sixty (60) days.

4. The parties submit that the requested extension will enable the parties to gain additional facts and information needed for them to make serious efforts to settle the case prior to the resolution of dispositive motions or the pretrial conference.

WHEREFORE, PREMISES CONSIDERED, the parties respectfully request that the Court enter an Order continuing the trial of this case by sixty (60) days, to September 17, 2007, and extending the remaining discovery and pretrial deadlines by sixty (60) days.

Dated this the 2nd day of February, 2007.

/s/ Alan M. Warfield
Alan M. Warfield (ASB #9183-R68A)
Attorney for Defendant
Countrywide Home Loans

OF COUNSEL:
WALSTON WELLS & BIRCHALL, LLP
1819 5th Avenue North
P. O. Box 830642
Birmingham, Alabama 35203/35283-0642
Telephone: (205) 244-5200
Facsimile: (205) 244-5400

/s/ J. E. Sawyer, Jr.

J.E. Sawyer, Jr. (ASB # 6566-S58J)

Attorney for Plaintiff

203 South Edwards Street

Enterprise, AL 36330

(334) 347-6447